

HOUSTON CITY CHARTER CLEANUP

ARTICLE	SECTION	RECOMMENDED CHANGES	COMMENTS
I	3	Repeal	Platting of real property. Superseded by state law. TX Local Gov't Code Ch. 212.
II	1	Amend, correct	Corporate powers. Language providing for condemnation proceedings under laws applicable to railroads superseded by state law. TX Property Code Ch. 21.
	5	Repeal	Regulating street and electric railway companies. Obsolete language and/or language superseded by state law.
	5-A	Repeal	Interchange or common use of tracks, poles, etc. Superseded by state law.
	6	Review	Regulating rates of public utilities. Superseded by state law.
	6-A	Review	Public utility services. Superseded by state law.
	7, 7a, 7b	Repeal	Authority of the city to own, operate, provide, purchase, and sell waterworks, public utilities, amenities, and services. Obsolete language and/or superseded by state law.
	8	Update	Authority of the city to provide for fire protection. Obsolete/superseded by state law.
	9	Repeal	Relating to acquisition of lands along Buffalo Bayou and its tributaries and/or improvement of lands for ship channel and harbor facilities. These functions have been assumed under state law by the Port of Houston Authority of Harris Co.
	10, 11	Repeal	Relating to the authority to operate various types of facilities such as markets, prisons, work houses, rock piles, reformatories, hospitals, orphanages, etc. Obsolete language and/or superseded by state law and/or are now the responsibility of other governmental entities.
	12	Repeal	Fines for violation of ordinances. Superseded by state law.
	13, 13a	Revise or repeal	Relating to the operation of corporation (municipal) court and the municipal court judges. Superseded by state law.
	15	Review, repeal	Burial grounds, crematories, and cemeteries, disposal of human and animal remains, food safety, waste removal, disease control, water pollution. Functionally obsolete and/or substantially superseded by state and federal law.
	15-a	Revise/repeal	Relating to the eight hour work day for certain employees and contractors who are constructing, repairing, or improving certain public works projects. Superseded by state and federal labor and employment laws.

ARTICLE	SECTION	RECOMMENDED CHANGES	COMMENTS
	16	Review/revise	Police powers. Functionally obsolete and/or superseded by state law. Replace with updated version referring to police powers.
	19	Revise	Contracts. The final paragraph requires compliance with state bid laws. State bid laws allow a home rule city to provide for variances from state bid laws in its charter. Add variance provisions since the charter does not contain any. TX Local Gov't Code Sec. 252.002.
IV	1-a	Repeal	Investment of bond issue sinking funds. Superseded by state and federal laws.
	2	Repeal	Buffalo Bayou land acquisition/improvement. These functions have been assumed under state law by the Port of Houston Authority of Harris Co.
	3	Repeal	Relating to municipal court fees, fines, penalties for violations of law. Superseded by state law. TX Gov't Code Ch. 30.
	5	Repeal	Vestibule cars. Obsolete/superseded by state law.
V	2	Update	Council members. Update to reflect the addition of Council Districts J, K. Update all charter references to "councilmen, commissioners" etc. to "council member."
	5	Update	Elections. Update to include reference to state law on uniform election dates.
	6	Review/revise	Candidates and filing for office. Update to include reference to filing a petition in lieu of filing fee. TX Election Code Secs. 141.061, 143.005(e).
	8	Revise	Runoff election, ticket declaration. Delete obsolete provisions relating to ticket declaration.
	12	Repeal	Savings clause. Repeal, replace with new section at end of charter.
	13, 14	Repeal	Transitional provisions relating to the adoption of the charter or prior amendments that serve no remaining purpose.
V-a	5	Repeal	Transitional provision relating to a prior amendment, serves no remaining purpose.
VI	4	Revise	Vacancy in office of the mayor. State law provides for uniform election dates, so the election to fill a vacancy may not be automatically called within 30 days. TX Election Code Sec. 41.001.
	7a	Repeal	Seventh and ninth paragraphs are obsolete repealer/transitional provisions.
	8	Update	Salary of the mayor. Update to reflect state law, TX Gov't Code Sec. 141.005. Repeal language regarding effective date.
	9	Repeal	Savings clause. Unnecessary, replace with Art. IX, Sec. 24 regarding general severability.
	10	Repeal	Repealer clause. Obsolete.

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	13	Update	Vacancy. Delete language calling an election within 30 days; the TX Election Code requires that elections be held on uniform election dates. TX Elec. Code Sec. 41.001.
VI-a	1	Update	Fiscal year. Update to reflect the city's current fiscal year calendar which is based on TX Tax Code Sec. 1.05.
	4	Update	Report of the city controller. Update to reflect that the dates mentioned in this section are based on the current fiscal year calendar.
	5, 6	Repeal	Transitional and repealer language. Obsolete.
VII	1	Revise	Compensation of council members. Update to reflect that salary is set by TX Local Gov't Code Sec. 141.005.
	4	Revise	Restrictions upon council members. Delete reference to Board of Appraisalment.
	11	Repeal	Provision for interest and sinking fund on bond indebtedness. Governed by state law.
	12	Repeal	Savings clause. Add new section to Art. IX, Sec. 24, to provide for general severability of charter provisions.
VIII	1	Revise	City controller salary. Update to reflect that the controller's salary is set by TX Local Gov't Code Sec. 141.005. Delete second paragraph regarding effective date.
VIII	5	Revise	Relating to grantees of public franchises. Update to reflect that the city does not regulate telephone franchises. State regulatory agencies have oversight of rate setting functions for gas, electric, and private water/sewer services. TX Utilities Code, TX Water Code, Ch. 13.
IX	2	Revise	Elections, voting precincts, voting regulations. This section is largely superseded by the TX Election Code and Art. V of the charter.
	3	Update	Petitions. Update to include reference to petitions governed by state law. TX Election Code Ch. 277 deals with petitions circulated under other laws, such as the charter. Therefore, the charter requirements are not exclusive.
	4, 5, 7, 8, 9, 12, 18	Repeal	Relating to proof of the charter and city ordinances in judicial proceedings, exemptions and immunity, exemption from judicial bonds and security, exemption of city property from execution, and immunity for negligence in repair of certain public works. Superseded by state law and/or are duplicated elsewhere in the charter.

ARTICLE	SECTION	RECOMMENDED CHANGES	COMMENTS
	13	Repeal	Pleading of ordinances. Pleading of ordinances in lawsuits is now governed by state and federal rules of evidence. TX Local Gov't Code Sec. 9.008 makes home rule charter provisions public acts of which the courts must take judicial notice.
	14	Repeal	Judicial notice of charter. Governed by state and federal law. Also, due to a drafting error, the charter contains this section twice.
	16	Repeal	Improvement districts. Superseded by state law.
	24	Add	Add a new section regarding general severability of charter provisions in case any portion is judicially declared invalid. Repeal severability clauses that apply to separate portions of the Charter (Art. V, Sec. 12; Art. VI, Secs. 7a and 9; Art. VII, Sec. 12)

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